

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, March 9, 2005
9:00 a.m.

Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, February 23, 2005, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, March 2, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, February 23, 2005.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: February 9, 2005.

Consent Item

4. NPDES Permit Renewal: Waste Discharge Requirements for Mountain Water Ice Company, San Diego County (tentative Order No. R9-2005-0015, NPDES Permit No. CA0108391) *(Tony Felix)*

Remainder of the Agenda (Non-Consent Items):

5. NPDES Permit Renewals:
 - A. NPDES Permit Renewal: Waste Discharge Requirements for the Southern California Edison, San Onofre Nuclear Generating Station, Unit 2, San Diego County (tentative Order No. R9-2005-0005, NPDES Permit No. CA0108073) *(Hashim Navrozali)*
 - B. NPDES Permit Renewal: Waste Discharge Requirements for the Southern California Edison, San Onofre Nuclear Generating Station, Unit 3, San Diego County (tentative Order No. R9-2005-0006, NPDES Permit Nos. CA0108181) *(Hashim Navrozali)*

Both oral and written comments will be received by the Regional Board regarding these items up to and during today's hearing. The Regional Board will schedule a subsequent date for deliberating on all testimony and making a decision on the adoption of tentative Order Nos. R9-2005-0005 and R9-2005-0006.

6. **PUBLIC HEARING:** A public hearing may be held regarding the issuance of Cleanup and Abatement Order No. No.R9-2005-0033 to Fieldstone Communities Inc. for alleged violations of the California Water Code caused by discharges of excessive amounts of sediment from the Oak Hill residential development site in the City of Oceanside. *(Christopher Means)*
7. **PUBLIC HEARING:** A public hearing may be held regarding the issuance of Cleanup and Abatement Order No.R9-2005-0044 to Florida SouthChase LP for alleged violations of the California Water Code caused by discharges of excessive amounts of sediment from the Morro Hills Villages residential development site in the City of Oceanside. *(Christopher Means)*
8. **PUBLIC HEARING:** Addendum to Cleanup & Abatement Order: Mission Valley Terminals (tentative Addendum No. 5 or Order No. 92-01) *(Kelly Dorsey)*
9. Status Report: U.S. Navy-Status of Alternative Toxicity Study *(John Phillips)*
10. Report on Settlement of Litigation: *People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. City of San Diego*, U.S. District Court, Southern District of California, Case No. 03CV1381-B(POR) *(John Robertus)*

11. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

12. *Executive Session* - Discussion of Ongoing Litigation

The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (Frank Melbourne)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (Phil Hammer)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (Paul Richter)

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824707. Complaint for Breach of Contract, Specific Performance, Intentional Misrepresentation, Bad Faith Denial of Existence of Contract, Compensatory Damages, Exemplary Damages and for Declaratory Judgment, Request for Jury Trial.

13. *Executive Session* - Consideration of Initiation of Litigation

The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.

14. *Executive Session* - Discussion of Pending Litigation

The Regional Board may meet in closed session to discuss pending litigation.

15. *Executive Session* - Personnel

The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]

16. Arrangements for Next Meeting and Adjournment

Wednesday, April 13, 2005 - 9:00 a.m.

Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

- A. On January 26, 2005, the Executive Officer issued Cleanup and Abatement Order No. R9-2005 –0044 to Florida SouthChase LP for excessive discharges of sediment to the municipal separate storm sewer system and Pilgrim Creek from its Morro Hills Villages development site in Oceanside, San Diego County in violation of the State Board Construction Storm Water Requirements (NPDES No. 99-08-DWQ) (*Christopher Means*)
- B. On January 26, 2005, the Executive Officer issued Cleanup and Abatement Order No. R9-2005 –0033 to Fieldstone Communities Inc. for excessive discharges of sediment to the municipal separate storm sewer system and Pilgrim Creek from its Oak Hill development site in Oceanside, San Diego County in violation of the State Board Construction Storm Water Requirements (NPDES No. 99-08-DWQ) (*Christopher Means*)
- C. On November 9, 2004, the Executive Officer issued Cleanup and Abatement Order No. R9-2004 – 0420 to JRMC Real Estate Inc. for excessive discharges of sediment to the municipal separate storm sewer system and Escondido Creek from its Escondido Research & Tech development site in Escondido, San Diego County in violation of the State Board Construction Storm Water Requirements (NPDES No. 99-08-DWQ) (*Eric Becker*)
- D. On January 10, 2005, the Executive Officer issued Cleanup and Abatement Order No. R9-2005 –0018 to the U.S. Army Corps of Engineers and Riverside County Flood Control and Water Conservation District for excessive discharges of sediment to Murrieta Creek from the Murrieta Creek Phase I Channel construction site in Temecula, Riverside County in violation of the State Board Construction Storm Water Requirements (NPDES No. 99-08-DWQ) (*Eric Becker*)
- E. On December 10, 2004, the Executive Officer issued Cleanup and Abatement Order No. R9-2004 – 0445 to Warm Springs Investments LTD for excessive discharges of sediment to Murrieta Creek from the Crown Valley Village development site in Murrieta, Riverside County in violation of the State Board Construction Storm Water Requirements (NPDES No. 99-08-DWQ) (*Eric Becker*)
- F. On January 20, 2005, the Executive Officer issued Order No. R9-2005-0455, a Cleanup and Abatement Order issued to Brookfield Shea Otay, LLC for the Otay Ranch Villlage 11 construction project. The Order was issued to correct an ongoing condition of inadequate sediment controls, erosion controls, and pollution prevention controls resulting in the discharge of sediment and sediment-laden water to the municipal separate storm sewer system and subsequently Salt Creek. The Order requires Brookfield Shea Otay LLC to immediately initiate efforts to abate the potential effects of threatened discharges of wastes and to immediately comply with all requirements of the State Board Construction Storm Water Permit No. 99-08-DWQ. (*Ben Neill*)
- G. The Regional Board received the “Corrective Action Plan and a Feasibility Study for the Property located at 100 Calle Cortez, Temecula, California,” prepared by Environmental Business Solutions and dated April 29, 2004. The Corrective Action Plan (CAP) addresses the investigation and

mitigation of soil and ground water polluted by an unauthorized release of petroleum hydrocarbons from a former underground storage tank system. Based on a feasibility study, the consultant recommends dual phase extraction be performed to mitigate the fuel related wastes in the soil and related pollution in groundwater. The case files, site investigation reports, and the CAP are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of the proposed activities contained in a CAP as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). *(Jody Ebsen)*

- H. On November 24, 2004, the Executive Officer issued Addendum No. 4 to Cleanup and Abatement Order (CAO) R9-2001-226 to AgriCare Properties, LLC, A.K.A. Caldwell Family Trust, Narain Oil Incorporated, Ajkeraka Incorporated, Summit Energy Corporation and Summit Oil & Gas for an unauthorized release of petroleum wastes at 28111 Front Street, Temecula. The CAO orders the dischargers to investigate and mitigate the unauthorized release of fuel related constituents from a former underground storage tank (UST) system. Addendum No. 4 modifies the groundwater monitoring program. *(Jody Ebsen)*
- I. The Regional Board reviewed a Corrective Action Plan and a Feasibility Study for the Property located at 28111 Front Street, Temecula, California; as amended by Hargis & Associates. The Corrective Action Plan (CAP) addresses the investigation and mitigation of impacted soil and ground water pollution caused by an unauthorized release of petroleum hydrocarbons from a former underground storage tank (UST) system. Based on a feasibility study, the consultant recommends limited excavation of soils acting as a secondary source of petroleum hydrocarbon wastes in the soil and related groundwater pollution. The case files, site investigation reports, and the CAP are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of the proposed activities contained in a CAP as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). *(Jody Ebsen)*

DIRECTIONS TO REGIONAL BOARD MEETING

Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego

- From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.
- From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2nd

stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.